



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6174 9385

November 29, 2007

Charles Mosher, M.D.
Mariposa County Health Officer
Mariposa County Public Health Department
5100 Bullion Street
Mariposa, California 95338

Dear Dr. Mosher:

The California Environmental Protection Agency (Cal/EPA) and the State Water Resources Control Board conducted a program evaluation of Mariposa County Public Health Department's Certified Unified Program Agency (CUPA) on November 5 and 6, 2007. The evaluation was comprised of an in-office program review and field oversight inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, with preliminary corrective actions and timeframes, program observations and recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Mariposa County Public Health Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Status Reports to Cal/EPA that depict your agencies progress towards correcting the identified deficiencies. Please submit your Deficiency Status Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on February 5, 2008.

Cal/EPA also noted during this evaluation that Mariposa County Public Health Department has worked to bring about a number of local program innovations, including access to a countywide Geographic Information System. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Charles Mosher, M.D.
November 29, 2007
Page 2

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email

Mr. David Conway, CUPA Manager
Mariposa County Public Health Department
5100 Bullion Street
Mariposa, California 95338

Mr. Sean Farrow
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Charles Mosher, M.D.
November 29, 2007
Page 3

cc: Mr. Charles McLaughlin
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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Mariposa County Public Health Department

Evaluation Date: November 6 and 7, 2007

EVALUATION TEAM

Cal/EPA: Kareem Taylor

SWRCB: Sean Farrow

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA did not complete its FY 06/07 narrative self audit of its Unified Program (UP) by September 30 of this year. The requested FY 06/07 self audit was received and review by Cal/EPA during the evaluation. Title 27, Section 15280 (a) (Cal/EPA)	By September 30, 2008, the CUPA will submit its FY 07/08 self audit to Cal/EPA. The CUPA will complete all subsequent self audits by September 30 of each year.
2	The CUPA did not correctly report the billed single fee and surcharge information on its Annual Single Fee Summary Reports (Report 2s) for FYs 04/05 through 06/07. The CUPA included waived local fees and waived state surcharge amounts into the single fee billed and surcharge billed totals. Title 27, Section 15290 (a)(1)(C) (Cal/EPA)	This deficiency was corrected during the evaluation.
3	The CUPA is not meeting the inspection frequency for the CalARP program of one inspection every three years. The CUPA has not performed a CalARP inspection in the past three fiscal years. Title 27, Section 15200 (a)(3)(A) (Cal/EPA)	By June 30, 2008, the CUPA should inspect one of their two CalARP facilities. The CUPA should inspect all of their CalARP facilities once every three years.
4	The CUPA has not reviewed its Inspection and Enforcement plan annually and revised it as needed. This deficiency was noted during the November 2004	By February 7, 2008, the CUPA should review its Inspection and Enforcement plan and revise it as needed.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	evaluation. Title 27, Section 15200 (b) (Cal/EPA)	
5	In some instances, the CUPA is not following up on violations noted during underground storage tank (UST), business plan, and hazardous waste generator inspections. Title 23, Section 2712 (e)(f) (SWRCB) HSC, Chapter 6.5, Section 25187.8 (g)(1) and (h) (Cal/EPA)	By November 7, 2008, the CUPA should review its facility files and follow up on facilities with outstanding violations.

CUPA Representative

Dave Conway
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original Signed
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** Contract inspector, Kerri Gibbons, conducted the facility inspections in a thorough and professional manner. Her attention to detail and knowledge of code and regulations resulted in excellent inspections. During one of the inspections, several violations were noted and these have been taken to the Circuit Prosecutor/DA for enforcement purposes.

Recommendation: None

2. **Observation:** The CUPA continues to meet the inspection frequency for the UST program despite staff turnover.

Recommendation: None

3. **Observation:** It was difficult to find specific information in the CUPA's UP evaluation procedures binder. The CUPA's procedures binder did not contain a table of contents or separator tab labels.

Recommendation: Improve the organization of the procedures binder by including a table of contents and separator tab labels.

4. **Observation:** The CUPA's facility files did not contain single fee invoices for 2006 and 2007. The CUPA uses Envision to document the amount of single fee collected and billed. The CUPA's accountant uses the Envision data to generate invoices for regulated facilities.

Recommendation: Until all CUPA inspectors are trained in Envision, the CUPA may want to place current single fee invoices into its facility files.

5. **Observation:** The CUPA may not have discovered all the agricultural handlers in Mariposa County that need to be regulated.

Recommendation: The CUPA, in coordination with the Agricultural Commissioner, may want to send a UP survey to the agricultural handlers in Mariposa County to determine which handlers should be regulated.

6. **Observation:** The CUPA has routinely used a camera to document violations at UST facilities.

Recommendation: Photographs are useful to document conditions at facilities that were cited for violations. Photographs help strengthen the CUPA's case should enforcement become necessary. Please date stamp each photo.

7. **Observation:** The CUPA does not have ICC certified staff to conduct its UST inspections. Currently, the CUPA has a contract in place with Kerri Gibbons, who inspects the UST's for them.

Recommendation: SWRCB recommends that the CUPA work to get a staff person certified to conduct its UST inspections.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

8. Observation: During the file review, the following facility files did not contain inspection reports:

- Central Valley Propane (Business Plan (BP))
- Valley Vehicle Fueling (BP)
- Yosemite Airport (BP)
- Total Waste Disposal (BP)

The following facility files contained inspection reports that were dated more than three years ago:

- PG&E Mariposa Service Center (BP, Hazardous Waste Generator (HWG))
- PG&E Indian Flat Substation (BP)
- Brand Automotive (BP, HWG)
- Mariposa Auto Body (BP)

It is possible that more recent inspection reports may be missing in the facility files.

Recommendation: Either find the current inspection reports for the above facilities and place them into the facility files or inspect the facilities that have not been inspected within the past three years. Priority should be placed on all the CUPA's business plan and hazardous waste generator facilities that have not been inspected within the past three fiscal years.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. In addition to performing its UP responsibilities, the CUPA staff is also responsible for Mariposa County's local enforcement agency (LEA), food, air, water, wastewater, and recreational programs. These programs are consolidated with the Unified Program.
2. The CUPA has access to a countywide Geographic Information System. This system is used to store vital information for fire and emergency response agencies within the county. The county has plans to eventually include HMRRP inventories as well as other information.
3. The CUPA has many informational pamphlets available at the CUPA Office. Some of the pamphlets observed are as follows:
 - Lyme Disease in California
 - Fact about Hantavirus in California
 - The care and feeding of your septic system
 - Facts about Plague in California
 - Hauling waste or used tires?
4. The CUPA's files are well organized and information is easily obtained. The facility files are divided into several sections:
 - Administrative Information
 - Permits
 - Financial Responsibility and Regulatory Reports
 - Unified Program Consolidated Forms and Emergency Response Plan
 - CUPA File Review and Correspondence
 - Site Inspection Forms and Monitoring Reports